

MICHAEL VOGT,
on behalf of himself and all others
similarly situated,

V.

**STATE FARM LIFE
INSURANCE COMPANY,**

Case 2:16-cv-04170-NKL Document 461 Filed 02/16/21 Page 1 of 3

to fix the amount of (or to waive) the bond.” *Frommert v. Conkright*, 639 F. Supp. 2d 305 (W.D.N.Y. 2009) citing *Am. Mfrs. Mut. Ins. Co. v. Am. Broad-Paramount Theatres, Inc.*, 87 S. Ct. 1, 3 (1966); *Eurasia Int’l, Ltd. v. Holman Shipping, Inc.*, 411 F.3d 578, 585 (5th Cir. 2005) (Rule 62 “provides that a party is entitled to an automatic stay of proceedings to enforce a judgment upon appeal when it posts a supersedeas bond.”).¹

The Amended Judgment of January 25, 2021, includes the amount of the jury verdict as amended on October 12, 2018, (\$34,322,414.84), prejudgment interest as awarded on November 17, 2020 (\$4,521,674.38) and post-judgment interest accruing at the rate of 2.23 percent. With the inclusion of two years of additional post-judgment interest after November 17, 2020, the total amount to be secured is \$42,589,122.65. State Farm hereby seeks approval of a bond in the form attached as Exhibit A in this amount to secure the judgment creditors during the pendency of the appeal.

Respectfully submitted,

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By: /s/ Jeremy A. Root

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¹ Rule 62 was amended effective December 1, 2018, and the provisions relating to a stay of execution were moved from subsection (d) to subsection (b).

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by the court's ECF filing service on the 16th day of February 2021, which will notify all parties of record.

/s/ Jeremy A. Root